90-111

Supreme Court, U.S.
FILED
JUN 25 1991
JOSEPH F. SPANIOL, JR.
CLERK

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IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1990

JEAN WOERNER, PETITIONER

VERSUS

HARRY BRUNT & MICHAEL FARREN, RESPONDENTS

PETITION FOR WRIT OF CERTIORARI

SUPREME COURT OF NEW JERSEY

PETITION FOR WRIT OF CERTIORARI

PETITIONER IS "COUNSEL" OF RECORD, ACTING

PRO SE - ADDRESS AND TELEPHONE NUMBER:

619 SECOND AVE., AVON, N.J. 07717

(201) 775-2454

QUESTIONS PRESENTED

WHETHER A JUDICIAL ORDER THAT RESTS UPON A DELIBERATE MISREADING OF THE ORIGINAL UNDERSTANDING OF A CIVIL COMPLAINT (A COMPLAINT CLEARLY COUCHED IN THE VERY DUE PROCESS TERMS OF THE GOVERNING STATUTE, TO WIT: THE CERTIFICATION PROCESS) SO AS TO JUSTIFY PSYCHIATRIC DISCOVERY WOULD DO IRREPARABLE INJURY IF ALLOWED TO STAND AS A WARRANT FOR AN UNREASONABLE SEARCH: IN OTHER WORDS, CAN A SUPERIOR COURT JUDGE POUR THE SUBSTANCE OF PETITIONER'S MENTAL HEALTH INTO A COMPLAINT THAT DEALS EXCLUSIVELY WITH THE ESSENTIAL DUE PROCESS SUBSTANCE OF THE COMMITMENT PROCEDURE (PROFESSIONAL CERTIFICATION) AS ORDAINED BY LEGISLATIVE LAW, N.J.S.A. 30:4-26.3, WITHOUT DEMANDING A POLITICAL OUTCOME AND WITHOUT DOING IRREPARABLE INJURY IN THE PROCESS AND TO THE PROCESS.

WHETHER CASE LAW STANDARDS ARE AT ISSUE HERE OR WHETHER THE VERY DUE PROCESS SUBSTANCE OF LEGISLATIVE LAW AS EMBODIED IN THE CIVIL COMPLAINT IS THE STANDARD AT ISSUE.

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IT IS ON FILE WITH THE SUPREME OF THE UNITED STATES.

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PAGES 8 & 9: A COPY OF THE JUNE 9, 1989 ORDER OF JUDGE QUACKENBOSS REQUIRING PSYCHIATRIC DISCOVERY IN THE FIRST INSTANCE: TO BE LATER REAFFIRMED WITH RATIONALE ON SEPTEMBER 15, 1989. THE FULL TRANSCRIPT OF THE MOTION HEARING OF JUNE 9 IS ON FILE WITH THE SUPREME COURT OF THE UNITED STATES.

PAGES 10 & 11: A COPY OF THE JULY 24, 1989 ORDER OF THE APPELLATE DIV- OF THE SUPERIOR COURT OF NEW JERSEY DENYING PETITIONer'S MOTION FOR LEAVE TO APPEAL THE ORDER OF JUDGE QUACKENBOSS OF JUNE 9, 1989.

TABLE OF AUTHORITIES

JUDGE ROBERT H. BORK FOR THE PETITIONER:

"THE DEMOCRATIC INTEGRITY OF LAW, HOWEVER, DEPENDS ENTIRELY UPON THE DEGREE TO WHICH ITS PROCESSES ARE LEGITIMATE. A JUDGE WHO ANNOUNCES A DECISION MUST BE ABLE TO DEMONSTRATE THAT HE BEGAN FROM RECOGNIZED LEGAL PRINCIPLES AND REASONED IN AN INTELLECTUALLY COHERENT AND POLITICALLY NEUTRAL WAY TO HIS RESULT." PAGE 10

PAGE 2 THE TEMPTING OF AMERICA, THE POLITICAL SEDUCTION OF THE LAW

CONSTITUTION STATUTES AND RULES:

UNITED STATES CONSTITUTION,

FOURTH AMENDMENT PAGE 7

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1990

JEAN WOERNER, PETITIONER

VERSUS

HARRY BRUNT AND MICHAEL FARREN, RESPONDENTS

RE: WOERNER VERSUS BRUNT AND FARREN

DOCKET NUMBER W-05951-89

MIDDLESEX COUNTY SUPERIOR COURT, LAW DIVISION

NEW BRUNSWICK, N.J. 08903

PRESIDING JUDGE: ROBERT T. QUACKENBOSS

COUNSEL OF RECORD FOR RESPONDENT, HARRY BRUNT, IS CHARLES C. DALEY, JR., ESQ. OF THE LAW FIRM OF GROSSMAN AND KRUTTSCHNITT: 509 MAIN STREET, TOMS RIVER, N.J. 08753 (201) 244-2400

COUNSEL OF RECORD FOR RESPONDENT, MICHAEL FARREN, IS MICHAEL L.PARK, DEPUTY ATTORNEY GENERAL OF THE STATE OF NEW JERSEY, HUGHES JUSTICE COMPLEX, CN 116, TRENTON, N.J. (609) 292-8146

PETITION FOR WRIT OF CERTIORARI

SUPREME COURT OF THE STATE OF NEW JERSEY

TO: THE SUPREME COURT OF THE UNITED STATES

THE PETITIONER, JEAN WOERNER, RESPECTFULLY PRAYS THAT A WRIT OF CERTIORARI ISSUE TO REVIEW THE ORDER OF THE SUPREME COURT OF NEW JERSEY ENTERED ON MARCH 30, 1990 in REGARD TO THE ABOVE MATTER: W-05951-89

ORDER BELOW AND JURISDICTION

ON MARCH 30, 1990 THE SUPREME COURT OF NEW JERSEY DENIED WITHOUT COMMENT PETITIONER'S MOTION FOR LEAVE TO APPEAL AN ORDER OF THE APPELLATE DIVISION OF THE SUPERIOR COURT OF NEW JERSEY, THE ORDER OF WHICH COURT HAD DENIED, ALSO WITHOUT COMMENT, PETITIONER'S MOTION FOR LEAVE TO APPEAL THE ORDER OF JUDGE QUACKENBOSS OF SEPTEMBER 18, 1989, WHICH GRANTED GROSSMAN AND KRUTTSCHNITT'S MOTION FOR PSYCHIATRIC DISCOVERY. THIS ORDER OF THE APPELLATE DIVISION WAS ENTERED JANUARY 17, 1990.

THE WHOLE MATTER OF THE LEGITIMACY OF PSYCHIATRIC DISCOVERY VIS A VIS THE ORIGINAL UNDERSTANDING OF THE COMPLAINT AS FILED BECAME AN ISSUE ON JUNE 9, 1989 WHEN JUDGE QUACKENBOSS GRANTED THE MOTION OF GROSSMAN AND KRUTTSCHNITT FOR SUCH DISCOVERY WITHOUT MAKING ANY REFERENCE TO THE TEXT OF THE COMPLAINT. IT CONTINUED TO BE AN ISSUE OF HEATED DISPUTE AND AGAIN WAS HEARD UPON THE MOTION OF RESPONDENT BRUNT ON SEPTEMBER 15, 1989, AT WHICH TIME JUDGE QUACKENBOSS EXPLAINED HIS RATIONALE FOR HIS ORDER OF JUNE 9 AND AT THE SAME TIME RE-AFFIRMED IT IN THE ORDER OF SEPTEMBER 18, 1989.

BASED UPON THIS RATIONALE, WHICH NOW REFERS TO THE TEXT OF THE COMPLAINT BUT WITHOUT EXACT CITATION, AND ALL THAT WENT BEFORE IT TO INCLUDE PETITIONER'S RESPONSE TO THE MOTION THAT WAS RETURNABLE JUNE 9, 1989 AND PETITIONER'S INITIAL APPEAL TO THE APPELLATE DIVISION FOR THE GRANTING OF A MOTION FOR LEAVE TO APPEAL THE ORIGINAL JUNE 9 ORDER

(DENIED ALSO WITHOUT COMMENT ON JULY 24, 1989), PETITIONER AGAIN SOUGHT RELIEF FROM THIS INVASIVE JUDICIAL ORDER GROUNDED ON NOTHING IN THE COMPLAINT, ONLY TO BE DENIED FINALLY AT THE SUPREME COURT LEVEL:

APRIL 20, 1990

"...YOU (PETITIONER) WILL HAVE TO FRAME YOUR ARGUMENTS TO THE SUPREME COURT OF THE UNITED STATES IN THE CONTEXT OF THE DETERMINATION BY THIS COURT THAT, IN ITS DISCRETION, YOUR APPLICATION DID NOT MEET THE STANDARDS SET FORTH IN RULE 2:2-2(b) AND APPLICABLE CASE LAW

"VERY TRULY YOURS,

"STEPHEN W. TOWSEND"
CLERK OF THE SUPREME COURT OF
NEW JERSEY

WITH: "THE

"EYE

"APPERTAINING TO

"WILKINS MICAWBER,

"MAGISTRATE."

WE HAVE DONE JUST THAT: QUESTIONS PRESENTED

RULE 2:2-2(b):

"APPEALS MAY BE TAKEN TO THE SUPREME COURT BY ITS LEAVE FROM INTERLOCUTORY ORDERS:

(b) OF THE APPELLATE DIVISION WHEN NECESSARY TO PREVENT IRREPARABLE INJURY."

CURRENT RULES GOVERNING THE COURTS OF NEW JERSEY, PART 2 APPELLATE PRACTICE

ALL ORDERS MENTIONED IN THIS SECTION HAVE BEEN REPRODUCED IN THE APPENDIX.

JURISDICTION OF THIS COURT IS INVOKED UNDER TITLE 28, UNITED STATES CODE SECTION 1257 (a)

CONSTITUTIONAL PROVISIONS INVOLVED

THE UNITED STATES CONSTITUTION, AMENDMENT FOUR:

"THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES, PAPERS, AND EFFECTS, AGAINST UNREASONABLE SEARCHES AND SEIZURES..."

A CONCISE STATEMENT, FACTS MATERIAL TO THE QUESTIONS PRESENTED:

"THE SECOND PROBLEM WITH THE ARGUMENT THAT MR. WOERNER MAKES IS THAT IT IS INCONSISTENT WITH THE COMPLAINT THAT HE FILED IN THIS CASE AGAINST DR. BRUNT. HE CLEARLY IN HIS COMPLAINT CHARGES DOCTOR BRUNT WITH MALPRACTICE, NOT IN FAILING TO SIGN CERTIFICATIONS THAT HE'S NOW TALKING ABOUT OR MAKE THE CERTIFICATIONS THAT HE'S NOW TALKING ABOUT, BUT CLEARLY HE CHARGES DR. BRUNT WITH MALPRACTICE IN MAKING THE STATEMENTS THAT HE MADE ABOUT MR. WOERNER'S MENTAL CONDITION.

"MR. WOERNER'S COMPLAINT CLEARLY PUTS INTO ISSUE IN THIS CASE HIS MENTAL STATUS AND MENTAL CONDITION AS OF THAT TIME PERIOD..." FROM THE TRANSCRIPT OF THE MOTION HEARING OF SEPTEMBER 15, 1989 ON FILE AT THE SUPREME COURT OF THE UNITED STATES: IT IS THE RATIONALE FOR PSYCHIATRIC DISCOVERY AS ARGUED BY JUDGE QUACKENBOSS.

NOW MR. WOERNER'S COMPLAINT:

"...WITHOUT DUE CAUSE. CONSEQUENTLY, IT IS MY FIRMLY HELD CONTENTION AS PLAINTIFF AND ATTORNEY IN THE MATTER THAT DEFENDANT BRUNT HAD THE PROFESSIONAL, MORAL AND LEGAL OBLIGATION TO STATE CLEARLY AND EMPHATICALLY - WITH DUE AND PROPER MEDICAL DISTINCTIONS MADE - THAT I WAS A DANGER TO MYSELF OR OTHERS BY VIRTUE OF MENTAL ILLNESS, IF IN FACT I WAS, AND THAT IN NOT DOING SO AND AT THE SAME TIME RECKLESSLY OPINING THAT CIVIL COMMITMENT WAS IN ORDER, HE WAS AND IS GUILTY OF A GRAVE MALPRACTICE THAT IS MORALLY REPUGNANT AND WRONGFUL."

THE CRITICAL PASSAGE FROM PAGE 2 OF THE CIVIL COMPLAINT ON FILE WITH THE SUPREME COURT OF THE UNITED STATES.

THE FEDERAL QUESTION OF UNREASONABLE SEARCH WAS TIMELY AND PROPERLY RAISED:

"WE CITE THE FOURTH AMENDMENT IN GENERAL SUPPORT OF OUR ARGUMENT: THE CLAIM OF DISCOVERY RIGHTS TO INFORMATION DERIVED FROM FROM A PRIMA FACIE FALSE IMPRISONMENT GOES AGAINST THE INTRINSIC LOGIC OF THE SITUATION AND THE GENERAL INTENT OF AMENDMENT 4 OF OUR CONSTITUTION, WHICH MAKES ALL EVIDENCE THAT RESULTS FROM AN UNREASONABLE SEARCH AND SEIZURE INADMISSIBLE." PART OF OUR ARGUMENT OF JUNE 18, 1989 FILED WITH THE APPELLATE DIVISION ON JUNE 22, 1989 IN ANSWER TO JUDGE QAUCKENBOSS'S ORDER OF JUNE 9, 1989. THE WHOLE ARGUMENT IS ON FILE WITH THE SUPREME COURT OF THE UNITED STATES.

REASONS FOR ALLOWANCE OF THE WRIT AMPLIFIED:

"IT IS COMING TO BE DENIED THAT ANYTHING COUNTS, NOT LOGIC, NOT OBJECTIVITY, NOT EVEN INTELLECTUAL HONESTY, THAT STANDS IN THE WAY OF THE "CORRECT" POLITICAL OUTCOME." JUDGE

ROBERT H. BORK, THE TEMPTATION OF AMERICA, THE POLITICAL SEDUCTION OF THE LAW, "CREATION AND FALL"

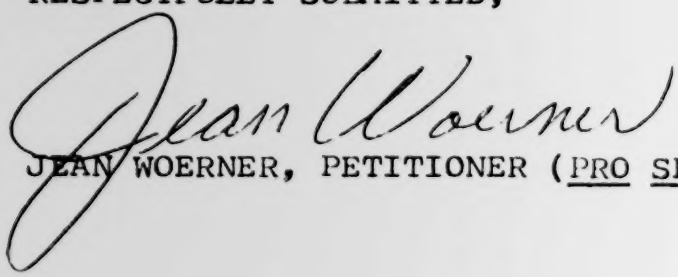
I ASK YOU: IS IT COMIMG TO BE DENIED...?

CONCLUSION

FOR THE FOREGOING REASONS, PETITIONER RESPECTFULLY SUBMITS THAT THE PETITION FOR WRIT OF CERTIORARI BE GRANTED.

DATED: JULY 11, 1990

RESPECTFULLY SUBMITTED,



JEAN WOERNER, PETITIONER (PRO SE)

APPENDIX

SUPREME COURT OF NEW JERSEY
M-963 SEPTEMBER TERM 1989

31,530

JEAN WOERNER,

PLAINTIFF-MOVANT

VS.

HARRY BRUNT, M.D., ET AL.,

DEFENDANTS-RESPONDENTS.

ORDER

FILED

APRIL 4 1990

STEPHEN W. TOWSEND

CLERK

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS ORDERED THAT THE MOTION FOR LEAVE TO APPEAL IS DENIED.

WITNESS, THE HONORABLE ROBER W. WILENTZ, CHIEF JUSTICE, AT TRENTON, ON THIS 30TH DAY OF MARCH, 1990.

STEPHEN W. TOWSEND

CLERK OF THE SUPREME COURT.

RE: DOCKET NO. 31,530
AM-618-89T1

FILED FEBRUARY 8,1990 WITH THE SUPREME COURT OF NEW JERSEY
THE FILING WAS A MOTION FOR LEAVE TO APPEAL THE ORDER OF THE APPELLATE DIVISION OF THE SUPERIOR COURT OF NEW JERSEY ENTERED ON JANUARY 17, 1990. IT WAS DENIED BY THE SUPREME COURT ON MARCH 30, 1990, AND THIS PETITION ADDRESSES THAT DENIAL.
CONSEQUENTLY, WE FEEL A QUOTE FROM THE MOTION PAPERS IS APPROPRIATE HERE:
"NOTE WELL - JUST AS AN ABORTION PERFORMED ON DEMAND IS AN UNREASONABLE SEARCH, SO TOO THE DISCOVERY DEMANDED BY GROSSMAN AND KRUTTSCHNITT FOR HARRY BRUNT IS AN EXAMPLE OF AN UNREASONABLE SEARCH ON THE ROCKING HORSE OF REASON, FOR IT ADDRESSES AN ISSUE THAT IS NOT BERFORE THE COURT IN THE COMPLAINT AS FILED ON OCTOBER 18, 1988 IN MONMOUTH COUNTY. IF SUCH DISCOVERY WERE ALLOWED, IT WOULD PREJUDICE JURORS WITHOUT ANSWERING PLAINTIFF'S COMPLAINT AS FILED."

WE ALSO FELL IT APPROPRIATE TO QUOTE FROM A LETTER THAT WAS SUBMITTED TO THE SUPREME COURT OF NEW JERSEY IN THE MATTER OF DOCKET NUMBER 31,530 AM-618-89T1 UNDER THE DATE FEBRUARY 22, 1990:

"FRAUD ON THE SCALE ALLEGED BY PLAINTIFF, IF ALLOWED TO GO UNCHECKED, WOULD ON ITS FACE CAUSE IRREPARABLE DAMAGE TO PLAINTIFF'S PERSON, FOR IT WOULD PLACE HIM IN A DOUBLE OR TRIPLE JEOPARDY POSITION WITH REGARD TO THE FALSE CLAIM THAT HE WAS A DANGER TO HIMSELF, OTHERS, OR PROPERTY BY REASON OF MENTAL ILLNESS: A CLAIM THAT COULD NOT BE SUSTAINED BY THE STATE UPON THE APPLICATION OF CITIZEN FARREN."

AS A MATTER OF FACT, NO ONE ANYWHERE (INCLUDING MARLBORO PSYCHIATRIC HOSPITAL) EVER CERTIFIED THAT, AND GROSSMAN AND KRUTTSCHNITT ARE AWARE OF IT AND HAVE ALLUDED TO IT IN A RECENT MOTION FOR SUMMARY DISMISSAL, RETURNABLE AUGUST 3, 1990.

#

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FILED

SEPTEMBER 18, 1989

ROBERT T. QUACKENBOSS

J.S.C.

PLAINTIFF	SUPERIOR COURT OF NEW JERSEY, LAW DIVISION
JEAN WOERNER	
VS.	MIDDLESEX COUNTY
DEFENDANT	DOCKET NO.
HARRY BRUNT, M.D.	W-05951-89
AND MICHAEL FARREN	CIVIL ACTION ORDER

THIS MATTER, HAVING BEEN OPENED TO THE COURT UPON THE APPLICATION OF GROSSMAN AND KRUTTSCHNITT, P.C., ATTORNEYS FOR THE ABOVE NAMED DEFENDANT, FOR AN ORDER COMPELLING PLAINTIFF'S SIGNATURE ON VARIOUS AUTHORIZATIONS FOR RECORDS; AND THE COURT HAVING CONSIDERED ALL THE PAPERS SUBMITTED IN SUPPORT THEREOF, AND FOR GOOD CAUSE SHOWN;

IT IS ON THIS 18TH DAY OF SEPTEMBER, 1989; ORDERED THAT THE PLAINTIFF BE AND IS HEREBY COMPELLED TO EXECUTE AUTHORIZATIONS IN THE FORM PROVIDED TO HIM BY COUNSEL FOR THE DEFENSE; AND IT IS FURTHER ORDERED THAT PLAINTIFF WILL NOT IN ANY WAY ALTER THE FORM OF THE AUTHORIZATIONS AS PROVIDED TO HIM BY COUNSEL FOR THE DEFENDANT.

_____

ROBERT T. QUACKENBOSS

J.S.C.

ORAL OPINION ON RECORD ON 9/15/89

ORDER MOTION WHEN CROSS-MOTION

FILED

FILED

APPELLATE DIVISION

JAN 22 1990

R. EMILLE COX

CLERK

JEAN WOERNER

V.

HARRY BRUNT, M.D.

& MICHAEL FARREN

SUPERIOR COURT OF N.J.

APPELLATE DIVISION

DOCKET NO. AM-618-89T1

MOTION NO. M-2422-89

BEFORE PART: G

JUDGES: DRIER

SCALERA

WEFFING

MOTION FILED: SEPTEMBER 27, 1989

SUPPLEMENTAL CERTIFICATION FILED, OCTOBER 17, 1989

ANSWER(S) FILED: OCTOBER 16, 1989

BY: HARRY BRUNT, M.D.

CROSS-MOTION FILED: OCTOBER 16, 1989

SEE M-2423-89

DATE SUBMITTED TO COURT: JANUARY 16, 1990

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS ON THIS 17TH DAY OF JANUARY, 1990, HEREBY ORDERED AS FOLLOWS:

MOTION FOR LEAVE TO APPEAL

BY JEAN WOERNER

GRANTED	DENIED	OTHER
	X	

FOR THE COURT:

WILLIAM A. DRIER P.J.A.D.

FILED #717

JUNE 9, 1989

ROBERT T. QUACKENBOSS

J.S.C.

PLAINTIFF

JEAN WOERNER

VS.

DEFENDANT

HARRY BRUNT, M.D.

& MICHAEL FARREN

SUPERIOR COURT OF N.J.

LAW DIVISION

MIDDLESEX COUNTY

DOCKET NO. W-05951-89

CIVIL ACTION

ORDER COMPELLING

PRODUCTION OF

AUTHORIZATIONS

THIS MATTER, HAVING BEEN BROUGHT BEFORE THE COURT UPON THE APPLICATION OF GROSSMAN & KRUTTSCHNITT, P.C., ATTORNEYS FOR DEFENDANT BRUNT, FOR AN ORDER COMPELLING CERTAIN DISCOVERY, AND THE COURT HAVING CONSIDERED THE MOVING PAPERS AND THOSE SUBMITTED IN SUPPORT THEROF, AND FOR GOOD CAUSE SHOWN;

IT IS ON THIS 9TH DAY OF JUNE, 1989; ORDERED THAT PLAINTIFF BE AND IS HEREBY COMPELLED TO PROVIDE DEFENDANT BRUNT WITH FULLY EXECUTED AUTHORIZATIONS, INCLUDING THAT OF THE MARLBORO PSYCHIATRIC HOSPITAL, WITHIN TWENTY DAYS OF THE DATE OF THIS ORDER.

ROBERT T. QUACKENBOSS, J.S.C.

ORDER ON MOTION

JEAN WOERNER

VS.

HARRY BRUNT, M.D.

& MICHAEL FARREN

SUPERIOR COURT OF NEW JERSEY

APPELLATE DIVISION

DOCKET NO. AM-1467-88T5F

MOTION NO. M-5713-88

BEFORE: PART O

JUDGE(S): DRIER

STERN

MOTION FILED: JUNE 22, 1989

ANSWER(S) FILED: JULY 8, 1989 BY: HARRY BRUNT, M.D.

SUBMITTED TO COURT: JULY 19, 1989

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS ON THIS 24TH DAY OF JULY, 1989, HEREBY ORDERED AS FOLLOWS:

JEAN WOERNER FOR LEAVE

TO APPEAL AND SUMMARY

DISPOSITION

GRANTED	DENIED	OTHER
	X	

FILED
APPELLATE DIVISION

JULY 26, 1989

R. EMILLE COX
ACTING CLERK

FOR THE COURT:

WILLIAM A. DRIER J.A.D.